

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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SIDNEY NAIMAN, ON BEHALF OF HIMSELF AND  
ALL OTHERS SIMILARLY SITUATED,

Plaintiff, Index No.:  
22-cv-2531

-against-

BIG THINK CAPITAL, INC.

Defendant.

- - - - -x

Oral deposition of DAVID BROWN, taken  
pursuant to Order, was held VIA VIDEOCONFERENCE,  
commencing July 17, 2023 at 2:30 P.M., on the above  
date, before JILLIAN MOORE, a Stenographer and Notary  
Public in and for the State of New York.

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2 D A V I D B R O W N,

3 first duly sworn by a Notary Public of. the State of  
4 New York, was examined and testified as follows:

5 EXAMINATION BY

6 MR. PARONICH:

7 THE COURT REPORTER: State your  
8 name for the record, please.

9 THE WITNESS: David Brown.

10 THE COURT REPORTER: What is your  
11 address?

12 THE WITNESS: 15701 Collins  
13 Avenue, Sunny Isles, Florida  
14 33160.

15 Q Mr. Brown, my name's Anthony  
16 Paronich. I'm one of the attorneys who  
17 represents the plaintiff in this action.  
18 Have you ever been deposed before?

19 A Yes.

20 Q Okay. And what kind of lawsuit  
21 was that -- was your deposition given  
22 in?

23 A A corrections matter.

24 Q I'm sorry. did you say an  
25 elections matter?

2 A Collections.

3 Q Oh, collections. Undrestood.

4 Thank you. Okay. Well, then I'll give  
5 you the abridge version of the rules  
6 here that will help us get through this  
7 as efficiently as possible. So even  
8 though we're in an informal setting on  
9 Zoom, we -- the oath we just took is  
10 very similar to what you would take in a  
11 courtroom to give testimony. Do you  
12 understand that?

13 A Yes.

14 Q Okay. And I'll be asking you a  
15 series of questions, and the Court  
16 Reporter is going to be taking down  
17 everything that we say. So if you don't  
18 understand a question, please let me  
19 know, because if you don't understand  
20 the question and don't say anything,  
21 it's impossibly for us to know that you  
22 didn't understand. Does that make  
23 sense?

24 A Yes.

25 Q Great. We aren't going to be

2 here terribly long today, but you can  
3 take a break at any time for any reason.

4 You don't have to let us know the  
5 reason. The only rule we have with that  
6 is that, if I have a question pending,  
7 we like to get an answer to that  
8 question before taking the break. Does  
9 that make sense?

10 A Sure.

11 Q Okay. From time to time, your  
12 attorney may object to a question I ask.

13 One of the few ways that this  
14 deposition is unlike a courtroom  
15 proceeding is, we don't have a Judge to  
16 resolve any objections. So even if your  
17 attorney objects, unless he instructs  
18 you not to answer because it's a  
19 privileged matter, you still give your  
20 answer to my when he's finished his  
21 objection. Does that process also make  
22 sense?

23 A Yes.

24 Q Great. So is there any reason  
25 today that you wouldn't able to give

2 truthful testimony?

3 A No.

4 Q I'm sorry. I can't hear you so  
5 well. I don't know if that's on my end.

6 A No. There's no reason.

7 Q Okay. So who's your current  
8 employer?

9 A Big Think Capital.

10 Q And what is your position with  
11 Big Think?

12 A I'm the president of the company.

13 Q Okay. And how long have you held  
14 that title?

15 A Six-plus years.

16 Q Okay. Do you want us to take a  
17 minute so you could kind of get settled  
18 or situated somewhere?

19 A No. I'm just going to some place  
20 that's less noisy.

21 MR. PARONICH: Yeah. So let's --  
22 Jill, let's just -- well, we don't  
23 really need to necessarily go off.  
24 Let me let you take a seat and  
25 I'll continue.

2 A I'm ready.

3 Q Okay. So I think you testified  
4 that you are currently the president of  
5 Big Think Capital. Did I hear that  
6 correctly?

7 A Correct.

8 Q Okay. And is president the only  
9 title that you've held at the company?

10 A Yes.

11 Q And how long have you held that  
12 title?

13 A Since October 2017.

14 Q Since October of 2017 when Big  
15 Think Capital began doing business?

16 A Yes.

17 Q Does Big Think Capital have any  
18 other employees?

19 A Yes.

20 Q How many?

21 A About 70.

22 Q Did you say 70?

23 A Correct.

24 Q Okay. And is there any specific  
25 individual who directly reports to you

2 as the president?

3 A Yes. There's a lot of people  
4 that report to me.

5 Q And all of those people are  
6 direct reports?

7 A No.

8 Q Okay. So how many direct reports  
9 do you have?

10 A Maybe eight to ten.

11 Q Eight to ten. Okay. Is there  
12 any individual that directly reports to  
13 you with respect to the marketing  
14 efforts of Big Think Capital or the  
15 third-parties they utilize for  
16 marketing?

17 A Yes.

18 Q And who are those individuals?

19 A Currently.

20 Q Currently, please?

21 A Dan River.

22 Q Did you say -- was that Dan  
23 River?

24 A Yes.

25 Q Could you spell that last name



2 for me, please?

3 A R-I-V-E-R.

4 Q And what's Mr. River's position?

5 A Vice president of marketing.

6 Q Is there a president of  
7 marketing?

8 A No.

9 Q How big is the marketing  
10 department?

11 A Two people.

12 Q Other than -- and I think those  
13 two include Mr. River?

14 A Correct.

15 Q Who's the other marketing  
16 employee?

17 A Reed Weber.

18 Q Is that W-E-B-B-E-R?

19 A One B.

20 Q Okay. So then, Mr. Brown, take a  
21 step back for me a moment here. Can you  
22 explain to me what Big Think Capital  
23 does?

24 A Yes. We're a facilitator of  
25 business-to-business loans. We're the

2 intermediary between a business owner  
3 and the M funding source.

4 Q Does Big Think Capital work with  
5 multiple end funding sources?

6 A Yes.

7 Q Does Big Think Capital provide  
8 services in every state?

9 A Yes.

10 Q So, Mr. Brown, we were talking  
11 about Big Think Capital and the fact  
12 that they do business in every state.  
13 Did I hear that correctly?

14 A Yes, you did.

15 Q Okay. With respect to the type  
16 of business that Big Think Capital  
17 practices, are there any licensing and  
18 regulatory requirements in order to  
19 serve as an intermediary in various  
20 states?

21 A Not that I'm aware of.

22 Q Okay. And does Big Think Capital  
23 serve as an intermediary for loans for  
24 businesses, individuals, or both?

25 A Just businesses.

2 Q And how does Big Think Capital ad  
3 advertise it's services to potential  
4 customers?

5 A We advertise primarily on the  
6 web.

7 Q And other than the web, are there  
8 also -- does Big Think Capital also make  
9 telemarketing calls?

10 A We don't do outbound. It's all  
11 inbound marketing. So we don't do.

12 Q I'm sorry. Go ahead?

13 A It's all inbound.

14 Q Does Big Think Capital retain  
15 third-parties that have engaged in  
16 outbound telemarketing on it's behalf?

17 A No. We only do inbound.

18 Q And so, just to make sure I  
19 understand. Big Think Capital has never  
20 retained a third-party that has made  
21 outbound call to try to generate  
22 business for Big Think Capital?

23 A Only as follow-up call to people  
24 that have already applied.

25 Q So has Big Think Capital ever

2           been sued with allegations that itself  
3           or third-parties on it's behalf have  
4           made outbound telemarketing calls?

5           A           I'm sorry. Say it again.

6           Q           Sure. Has Big Think Capital ever  
7           been sued in a lawsuit alleging that Big  
8           Think Capital or third-parties on it's  
9           behalf have made outbound telemarketing  
10          calls?

11          A           Yes.

12          Q           And it's been sued in lawsuits  
13          other than just this one, correct?

14          A           Correct.

15          Q           Okay. So is Big Think Capital's  
16          position that in this lawsuit Mr. Naiman  
17          called Big Think Capital?

18          A           I would have to assume he called  
19          Big Think Capital because that's the  
20          only way we get information about a  
21          client.

22          Q           Has Big Think Capital reviewed  
23          any of it's documents that showed that  
24          Mr. Naiman has called Big Think Capital?

25          A           I don't have access to how

2 Mr. Naiman came into our system.

3 Q Why is that?

4 A Because he came in at a timeframe  
5 where we were using a customer retention  
6 system that we no longer have access to.

7 Q When you say "customer retention  
8 system," is that another word for a CRM  
9 system?

10 A Yes. Yes.

11 Q So what is Big Think Capital --  
12 what is that CRM system?

13 A The old one.

14 Q The one that Mr. Naiman's  
15 information would be in?

16 A It was called the iMerchant.

17 Q When did Big Think Capital start  
18 using iMerchant?

19 A In October of 2017.

20 Q When did Big Think Capital stop  
21 using iMerchant?

22 A I don't remember the exact date.

23 Q Does Big Think Capital currently  
24 use iMerchant?

25 A No.

2 Q Who does Big Think Capital  
3 currently use for a CRM system?

4 A Centrex.

5 Q Could you spell that for me,  
6 please?

7 A C-E-N-T-R-E-X.

8 Q Do you have an approximation as  
9 to when Big Think Capital starting  
10 Centrex.

11 Q I know it was in January. I  
12 don't remember if it was January of '21.  
13 I think either January of '21 or January  
14 of -- I think January '21 but I'm not  
15 100 percent sure.

16 Q Okay. And why did Big Think stop  
17 using iMerchant?

18 A Because the individual that  
19 maintained iMerchant decided to close  
20 the business.

21 Q And so, can you explain to me how  
22 information related to Mr. Naiman is  
23 only in iMerchant?

24 A Yes. That was the system that we  
25 used back in this timeframe and when the

2 owner of iMerchant elected to close the  
3 business. He just shut off the systems  
4 including incurring all the data that was  
5 in the system.

6 Q Got it. And had your company  
7 ever made any export or copy of that  
8 information.

9 A We didn't have the ability to  
10 make an export. We asked for  
11 information that was not provided to us.

12 Q And after you asked for -- what  
13 was the context in which you asked for  
14 the information?

15 A What do you mean "what was the  
16 context."

17 Q Why did you ask for -- you just  
18 testified that you asked for information  
19 that wasn't provided to you, correct?

20 A Yes.

21 Q Why were you asking for that  
22 information?

23 A Because it was data -- it was our  
24 client data that we needed access to and  
25 wanted access to.

2 Q When did you first make that  
3 request?

4 A When we got notice that he was  
5 shutting the business, but I don't  
6 remember exactly the date.

7 Q Understood. Do you feel  
8 confident that the year of that was  
9 2021?

10 A I believe it was 2021. I'm not  
11 100 percent sure.

12 Q Okay. So if it wasn't 2021 you  
13 believe it was 2022, correct?

14 A I don't remember the exact date.

15 Q I know that you I don't remember  
16 the exact date, but what I'm trying to  
17 understand if it was possible that it  
18 was earlier than 2021 or 2021 was the  
19 oldest possible year that this happened?

20 A I don't remember exactly. I  
21 don't remember the timeframe. It was in  
22 January. It was either in January of  
23 '21. It's possible it was January 2022.  
24 I don't remember.

25 MR. PARONICH: Anthony, if you



2 want, we can leave a space in the  
3 transcript and he can give you the  
4 date that the contract ended with  
5 iMerchant so you have it or I can  
6 do it on a separate document.

7 MR. PARONICH: Okay. Thank you.

8 Q Okay. When Big Think Capital  
9 made the request to iMerchant for  
10 information, was that in writing?

11 A It was, yes.

12 Q And did iMerchant respond?

13 A Yes.

14 Q And do you have a recollection of  
15 what iMerchant said in it's response?

16 A He said that he would be  
17 providing us with the data prior to him  
18 shutting off the system.

19 Q And he did not do that?

20 A He did provide some data but it  
21 wasn't all of the data and it wasn't in  
22 a format that we could understand it.

23 Q And so, do you know if Mr.  
24 Naiman's information is in that some  
25 data that was provided?

2 A It was not in there.

3 Q How were you able to check that  
4 it was not in there?

5 A Because whatever information we  
6 received from iMerchant was uploaded  
7 into our knew CRM, and upon a search of  
8 Mr. Naiman's name we don't see anything.

9 Q Got it. Did you also search Mr.  
10 Naiman's phone number?

11 A Yes.

12 Q Okay. What information is stored  
13 in the CRM? And what I mean by that is,  
14 what columns of information are  
15 available?

16 A In the current CRM.

17 Q Yes.

18 A Name, address, phone number,  
19 business name, owner of the business  
20 name, the date the business started, the  
21 tax ID number, address. I think I said  
22 address. That's it.

23 Q Okay. Does Big Think Capital in  
24 these follow-up calls as you've  
25 mentioned Big Think Capital made, are

2           those follow-up calls also have a record  
3           capped in the CRM?

4           A           Yes.

5           Q           What telephone lines are used to  
6           make those calls? Is it an office phone  
7           line or is it a phone line provided by  
8           the CRM company?

9           A           It's a system called Intermedia.

10          Q           Intermedia is the phone company?

11          Q           Intermedia is the technology. I  
12          don't know if it's considered a phone  
13          company. It's the technology we use to  
14          make phone calls.

15          Q           And can you explain to me that  
16          technology that's used. Is it a website  
17          that you log onto or does it work a  
18          different way?

19          A           It's integrated with the CRM. I  
20          don't know how the functionality works.

21          Q           That's what I was trying to  
22          understand. Is that it's been -- it --  
23          and has it been integrated with the CRM  
24          since you started with this most recent  
25          CRM?

2 A Yes.

3 Q I'm going to put a document into  
4 the chat, Mr. Brown, and I'm going to  
5 ask questions about. Jill, I'll be  
6 marking this as Exhibit 1. Mr. Brown, I  
7 put that document into the chat. So  
8 please let me know when your able to  
9 access it.

10 (Whereupon, Plaintiff's Exhibit 1  
11 for identification, by the reporter, as  
12 of this date.)

13 MR. ETTINGER: How do I do that?

14 MR. PARONICH: So in the chat,  
15 there should be a.

16 MR. ETTINGER: Now, I see it. I  
17 see it. Sorry.

18 MR. PARONICH: Okay. That's okay.

19 MR. ETTINGER: Okay. I see it.

20 MR. PARONICH: Great. I just need  
21 one moment to get pulled up here.

22 Q Do you recognize this document?

23 A Yes.

24 Q What is it?

25 A It's the response to the

2 interrogatories.

3 Q And do you recall if you signed  
4 this document verifying their accuracy?

5 A I do.

6 Q Okay. So, then, I'd like to go  
7 down to the responses to interrogatories  
8 number two?

9 A Okay.

10 Q The first -- and that request  
11 says identify all vendors involved in  
12 making outbound telemarketing calls  
13 promoting your goods or services. Would  
14 you agree with me that that's what the  
15 question asks?

16 A Yes.

17 Q And there's an answer there that  
18 has four different companies and -- four  
19 different entries. And number four  
20 talks about this individual who works  
21 with iMerchant systems, correct?

22 A Correct.

23 Q So then I want to understand,  
24 who's the company Simple Text identified  
25 in the first entry?

2           A           That was a company that was used  
3           to send follow-up text messages.

4           Q           And does Big Think Capital still  
5           use them?

6           A           No.

7           Q           When did Big Think capital use  
8           Simple Text?

9           A           I don't remember.

10          Q           Was it before or after it started  
11          using Centrex as the CRM?

12          A           Before.

13          Q           Do you remember when the  
14          relationship with Simple Text ended?

15          A           I don't.

16          Q           Do you remember why it ended?

17          A           Too expensive.

18          Q           And do you remember how Simple  
19          Text charged Big Think Capital?

20          A           I don't.

21          Q           How did Big Think Capital first  
22          find Simple Text?

23          A           I don't know.

24          Q           Do you remember who at Big Think  
25          Capital recommended that it started a

2 relationship with Simple Text?

3 A I don't know.

4 Q Do you remember any of the  
5 individuals that -- actually, let me  
6 strike that.

7 Did you personally have any  
8 communications with Simple Text?

9 A Some.

10 Q Did anyone else at Big Think  
11 Capital besides you have any  
12 communications with Simple Text?

13 A Yes.

14 Q Who were those individuals at Big  
15 Think Capital?

16 A I don't remember.

17 Q What were your communications  
18 with Simple Text about?

19 A Billing.

20 Q Were there any other  
21 communications by you with respect to  
22 Simple Text?

23 A Not that I can remember.

24 Q Do you remember how much Simple  
25 Text charged you?

2 A I don't.

3 Q Do you now remember if Simple  
4 Text charged on a per text basis or on a  
5 flat rate?

6 A I don't remember.

7 Q There is a company at entry two  
8 of these discovery responses called  
9 Nexfa. Do you see that?

10 A I do.

11 Q Do you recognize that company  
12 name?

13 A Yes.

14 Q And how do you recognize them?

15 A It was a calling system similar  
16 to Intermedia that interfaced with  
17 iMerchant.

18 Q Got it. So any calls made on the  
19 Nexfa so -- actually, let me strike  
20 that.

21 Did Big Think Capital have a  
22 Nexfa account?

23 A I don't remember.

24 Q Do you remember if Big Think  
25 Capital made any payments directly to



2 Nexfa?

3 A It's actually not Nexfa, it's  
4 Nextiva. There's an I missing. What  
5 was the question. I apologize.

6 Q That's okay. I was asking if Big  
7 Think Capital made direct payments to  
8 Nextiva?

9 A I'm not sure.

10 Q Would the only other way for Big  
11 Think Capital to have been build for  
12 Nextiva's services is through the  
13 iMerchang CRM?

14 A Correct.

15 Q Okay. So then, it's fair to  
16 assume that either Big Think Capital  
17 made payments directly to Nextiva or it  
18 was build through it's use through the  
19 iMerchant system?

20 A Correct.

21 Q Okay. Has Big Think Capital  
22 approached Nextiva to ask them if they  
23 have any records of outbound calls made  
24 by Big Think Capital?

2 Q When was that approach made?

3 A I don't recall.

4 Q Do you recall if it was performed  
5 after the filing of this lawsuit?

6 A I don't remember.

7 Q Do you remember what Nextiva  
8 said?

9 A I don't.

10 Q Would those communications have  
11 been in writing or over the phone?

12 A In writing.

13 Q And does Big Think use Nextiva  
14 any longer?

15 A No.

16 Q Why is that?

17 A Because our new CRM doesn't  
18 integrate with them.

19 Q Got it. So currently the new  
20 CRM, do you make payments directly for  
21 the telephone calls to that phone  
22 company or to the CRM company?

23 A I believe to the phone company.

24 Q Okay. And do you have records of  
25 those outbound calls that are made

2 through the new CRM?

3 A Everything is logged through the  
4 CRM.

5 Q And are you aware if you made a  
6 production in this case of those  
7 outbound calls?

8 A I'm not aware.

9 MR. ETTINGER: I'm going to object  
10 to that question retroactively. I  
11 don't think there was a request  
12 for anything other than for that  
13 time period but, okay.

14 Q Mr. Brown, could you, please, go  
15 down to document request number 12?

16 A Yes.

17 Q And would you agree with me that  
18 it asks, please produce all documents  
19 containing any of the following  
20 information for each outbound  
21 telemarketing calls sent by you or your  
22 vendors. Would you agree with me that  
23 that's what the request says?

24 A Wait, I'm on the wrong place.  
25 Hold on a second.

2 Q That's okay. It is at page  
3 seven, if that helps?

4 A Okay. I'm there.

5 Q And so, would you agree with me  
6 that the request asks to please produce  
7 all documents containing any of the  
8 following information for each outbound  
9 telemarketing calls sent by you or your  
10 vendors?

11 A Yes.

12 Q And would you agree with me that  
13 it then lists a number of criteria that  
14 is requested in the production.

15 A Yes.

16 Q And then, would you agree with  
17 plea that the response says, "The  
18 defendant is undergoing obvious efforts to  
19 obtain third-party data that may be able  
20 to better respond to this demand?"

21 A Yes.

22 Q Would you also agree with me that  
23 the current CRM system for Big Think  
24 Capital does have records of outbound  
25 telemarketing calls made?

2 A Yes.

3 Q So then, I'm actually going back  
4 to interrogatory number 2, Mr. Brown,  
5 which on the first page of this exhibit.

6 A Okay.

7 Q The third company is T-U Work,  
8 W-O-R-K, do you see that entry?

9 A Yes.

10 Q Do you recognize that company?

11 A Yes.

12 Q Can you explain to me what work  
13 they performed for Big Think Capital.

14 A They followed up on applicants  
15 that we didn't reach when they  
16 originally applied.

17 Q How did they follow-up?

18 A They either called or they sent  
19 an e-mail.

20 Q And when did they perform this  
21 work.

22 Q Prior to COVID. That's all I  
23 remember.

24 Q And has Big Think Capital  
25 contacted TU Work in connection with

2           their discovery obligations in this  
3           litigation?

4           A           Yes.

5           Q           And did they do so on the phone  
6           or in writing?

7           A           They didn't respond at all.

8           Q           Understood. But how did Big  
9           Think Capital attempt to contact them?

10          A           In writing.

11          Q           And there was no response  
12          received?

13          A           No.

14          Q           Does Big Think Capital maintain  
15          a subscription to the National Do Not  
16          Call Registry?

17          A           No.

18          Q           I would like to direct your  
19          attention, Mr. Brown, to document  
20          request number 6. Which is on page  
21          five?

22          A           Okay.

23          Q           Would you agree with me that that  
24          request asks Big Think Capital to,  
25          please, produce all documents relating

2 to complaints or Do-Not-Call requests  
3 concerning outbound calls?

4 A Yes.

5 Q And would you agree with me that  
6 the response says, "The defendant is not  
7 in possession of any documents  
8 responsive to this demand?"

9 A Yes.

10 Q Has Big Think Capital ever  
11 received a Do-Not-Call request?

12 A We have.

13 Q Okay. And so, would you agree  
14 with me that that responses isn't  
15 entirely accurate?

16 A No. I'm not in possession of  
17 those documents.

18 Q Is Big Think Capital currently  
19 named in a lawsuit alleging violations  
20 of the TCPA other than this one.

21 A I'm sorry.

22 Q Is Big Think Capital currently  
23 named in a lawsuit alleging violations  
24 of the TCPA other than this lawsuit?

25 A Yes.

2 Q Okay. And does Big Think Capital  
3 have any documents related to that  
4 lawsuit?

5 A Yes.

6 Q Okay. How does Big Think Capital  
7 maintain -- let me strike that.

8 Does Big Think Capital maintain a  
9 Do-Not-Call list?

10 A Yes.

11 Q Where's that Do-Not-Call list  
12 maintained?

13 A In the CRM.

14 Q Do you have an understanding if a  
15 copy of that Do-Not-Call list has been  
16 produced in this litigation?

17 A I don't recall.

18 Q Other than this lawsuit, how many  
19 lawsuits has Big Think Capital been  
20 named in alleging violations of the  
21 TCPA?

22 A I'm aware of one other.

23 Q What's the name of that lawsuit?

24 A I'm not sure of the actual name.

25 Q Do you know where it's located?



2 A I don't.

3 Q Do you know if it's in State  
4 Court or Federal Court.

5 A I don't.

6 Q Has Big Think Capital ever  
7 received a demand letter alleging  
8 violations of the TCPA other than this  
9 lawsuit and that other lawsuit you  
10 mentioned?

11 A Yes.

12 Q Has Big Think Capital -- I'm  
13 sorry. So it has received a demand  
14 letter, correct?

15 A Yes.

16 Q And do you know if those demand  
17 letters have been produced in response  
18 to this request?

19 A I don't.

20 Q Has Big Think Capital entered --  
21 do you know what a settlement agreement  
22 is, Mr. Brown?

23 A I do.

24 Q Has Big Think Capital ever  
25 entered into a settlement agreement

2           regarding any alleged violations of the  
3           TCPA?

4           A           Yes.

5           Q           Do you know if those settlement  
6           agreements were produced in response to  
7           this discovery requests or any other?

8                       MR. ETTINGER: Objection. Those  
9           documents are confidential.

10          Q          So, Mr. Brown, do you know if Big  
11          Think Capital has produced any  
12          settlement agreements in response to a  
13          discovery request?

14          A          I don't.

15          Q          Okay. You have the response to  
16          document request number 6 in front of  
17          you, correct?

18          A          Yes.

19          Q          Do you see any objection to that  
20          request?

21          A          I do not.

22          Q          Do you know if Big Think Capital  
23          ever signed an agreement with TU Work?

24          A          I don't think so.

25          Q          How was TU Work played? Excuse

2 me, paid?

3 A I don't remember.

4 Q Did Big Think Capital keep  
5 records of the payments it made to TU  
6 Work?

7 A I don't remember how they were  
8 paid. So I don't know if there were  
9 records.

10 Q Does Big Think Capital as a  
11 general business practice keep records  
12 of payments it makes to vendors?

13 A Yes.

14 MR. PARONICH: Okay. Well, Mr.  
15 Brown, as you may have discussed  
16 with your lawyer, because we're  
17 still waiting for information,  
18 we're going to be suspending this  
19 deposition and reserving the right  
20 to ask questions based on  
21 information we learn later in  
22 discovery. So other than that, I  
23 have no further questions. It is  
24 possible your attorney will ask  
25 you questions, and if he does,

2                   then I may have further questions  
3                   based on those. But other than  
4                   that, I want to thank you for your  
5                   time today.

6                   MR. ETTINGER: Thanks, Dave.

7                   Anthony, just procedurally, do you  
8                   want to use the same Court  
9                   Reporter for Thursday for  
10                  consistency purposes, or do you  
11                  want me to order differently?

12                  (Whereupon, the examination of  
13                  DAVID BROWN  
14                  was concluded at 3:05 P.M. )

15

16

17

\_\_\_\_\_  
DAVID BROWN

18

19       Subscribed and sworn to  
20       before me on this \_\_\_\_ day  
21       of \_\_\_\_\_, \_\_\_\_\_.

22

\_\_\_\_\_  
23       Notary Public

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C E R T I F I C A T E

I, JILLIAN MOORE, a Shorthand Reporter and  
Notary Public of the State of New York, do  
hereby certify:

That the WITNESS whose examination is  
hereinbefore set forth, was duly sworn, and  
that such examination is a true record of the  
testimony given by such WITNESS.

I further certify that I am not related to any  
of the parties to this action by blood or  
marriage; and that I am in no way interested in  
the outcome of this matter.

*Jillian Moore*  
JILLIAN MOORE

2 ERRATA SHEET FOR THE TRANSCRIPT OF:  
 Case Name: SIDNEY NAIMAN, ON BEHALF OF  
 3 HIMSELF AND OTHERS SIMILARLY SITUATED, V. BIG THINK  
 CAPITAL, INC.

4 Dep. Date: JULY 17, 2023  
 Deponent: DAVID BROWN

5  
 6 CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reason
7	---	_____	_____	_____
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9	---	_____	_____	_____
10	---	_____	_____	_____
11	---	_____	_____	_____
12	---	_____	_____	_____

13 \_\_\_\_\_  
 14 DAVID BROWN

15 SUBSCRIBED AND SWORN TO BEFORE ME

16 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 17

18 \_\_\_\_\_  
 19

20 (Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_  
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 22  
 23  
 24  
 25

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